

October 25, 1999

Mr. Thomas Ferns
U.S. Department of Energy
Richland Operations Office
P.O. Box 550, MSIN HO-12
Richland, WA 99352-0550

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DOE-RL/DIS

RE: *Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement*,
DOE/EIS-0222-F

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Dear Mr. Ferns:

The United States Department of Energy (USDOE) is commended for designating the Arid Lands Ecology Reserve, McGee Ranch/Riverland Site and North Slope as a National Wildlife Refuge (NWR) in the preferred alternative. In addition, the USDOE is commended for designating both sides of the Columbia River shoreline as preservation and removing grazing from the preferred alternative. By these actions, USDOE has demonstrated environmental stewardship and responsiveness to the public's requests during the finalization of the *Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement* (Final CLUP-EIS).

Historically, at the Hanford Site, land-use designations have been driven by cleanup decisions. Even though it is inappropriate for regulators to bias land use designations by the selection of less protective cleanup levels, it is evident by Tables 1-1 and 1-2 of the Final CLUP-EIS that a wide range of cleanup decisions have been made (details of decisions are provided in the applicable Records of Decision [RODs]) which do not consistently take applicable contamination pathways (e.g. groundwater, surface water [Columbia River]), etc.) into consideration (as required by the Washington Toxics Control Act as a CERCLA ARAR). As is evident by Table 1-3, there is a significant and long-term reliance upon institutional controls associated with the majority of cleanup decisions made to date. Now that the Final Hanford CLUP EIS has been finalized with the preferred alternative designating large areas for "industrial use", it is my concern that the cleanup decisions to be made in the future will be based on less protective standards (numeric cleanup levels associated with industrial land use), with a greater reliance upon institutional controls. While the new definition for the term "highest and best use" has been added to the glossary, I remain concerned that the Final Hanford CLUP-EIS does not communicate the significant impact of the past cleanup decisions on the land use designations. Of great importance for future cleanup decisions is the inherent allowance for higher (and less protective) numeric cleanup levels to be established due to the formal industrial land use designations of the Final Hanford CLUP-EIS. In other words, now that the Final Hanford CLUP-EIS designates areas for industrial land use, I expect the numeric cleanup levels to increase significantly in those areas designated for "industrial use". I disagree with USDOE's response to my comment (*Comment Response Document* response number RL 154-08) that this "is a TPA issue". The Final Hanford CLUP-EIS very clearly indicates the above described bias resulting from the establishment of cleanup levels which do not take into consideration applicable contamination pathways (groundwater and surface water). In addition, "highest and best

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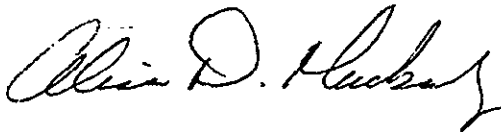
use" simply should not be addressed after cleanup decisions have been made. Such an approach will likely ensure repeated cleanup efforts, a costly reliance upon institutional controls and/or shared liabilities upon land transfers. As such, it is requested that the Final Hanford CLUP-EIS ROD include language which identifies the USDOE the primary environmental steward for all Hanford Site areas irregardless of land-use designation. In addition, it is requested that the Final Hanford CLUP-EIS ROD identify a commitment to ensure applicable contamination pathways (groundwater and surface water) will be taken into consideration for establishment of all future cleanup levels.

I am very encouraged by USDOE's response to my comment (number 2 of my May 27, 1999 letter numbered RL 154-02 by the *Comment Response Document*) regarding USDOE's position that additional NEPA would be required before the site is actually impacted by mining. This position supports the commitment in the *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement* (DOE/EIS-0189, August 1996) to perform a "future NEPA analysis" in relation to the borrow site decisions. Similarly, I am encouraged by USDOE's response to the U.S. Environmental Protection Agency regarding protection of sensitive areas from mining. I endorse "a coordinated NEPA analysis to address the gravel quarries on a site-wide basis" (*Comment Response Document* response number RL 445-21). It is my understanding that due to the significant impacts to cultural and/or biological resources from mining, a Supplemental EIS or EIS would be required, at a minimum.

Lastly, it appears the response to my comment (number 15 of my May 27, 1999 letter numbered RL 154-06 by the *Comment Response Document*) regarding disclosure of remaining soil contamination during the conveyance of ownership was not addressed. The *Comment Response Document* incorrectly addresses one of my comments regarding grazing. As this comment is directly associated with cleanup decisions currently being made (see second paragraph of this letter), it is requested that a response be provided.

If you have any questions about the above comments and/or requests, I may be contacted at the address and/or telephone number provided below.

Sincerely,



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c: Lower Columbia Basin Audubon Society
Merilyn Reeves, HAB
Keith Klein, Hanford Site Manager